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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750

### Complete if Known

Application Number 10/022313  
Filing Date December 17, 2001  
First Named Inventor Neto, Aziz Rassi  
Examiner Name Davis, Daniel J.  
Art Unit 3731  
Attorney Docket No. 162321

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 500951 Deposit Account Name: Akerman Senterfitt

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   | 0              |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    | 0              |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    | 0              |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   | 0              |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     | 0              |

#### 2. EXCESS CLAIM FEES

##### Fee Description

|  | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

Total Claims Extra Claims Fee (\$)

- 20 or HP = x = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x = 0

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x 0 = 0

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Revival of an Application for Patent Abandoned Unintentionally

Fees Paid (\$)

0

750

#### SUBMITTED BY

Signature Michael C. Cesarano Registration No. 31,817 Telephone 305-374-5600  
Name (Print/Type) Michael C. Cesarano Date November 4, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

**26**

Application Number

**10/022313**

Filing Date

**December 17, 2001**

First Named Inventor

**Neto, Aziz Rassi**

Art Unit

**3731**

Examiner Name

**Davis, Daniel J.**

Attorney Docket Number

**162321****ENCLOSURES (Check all that apply)**

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input checked="" type="checkbox"/> Petition for Revival                                | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request                | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | <b>Explanation for abandonment<br/>Return Postcard</b>                                  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application   | <b>Remarks</b>  |   |
| <input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                            |          |               |
|--------------|----------------------------|----------|---------------|
| Firm Name    | <b>Akerman Senterfitt</b>  |          |               |
| Signature    |                            |          |               |
| Printed name | <b>Michael C. Cesarano</b> |          |               |
| Date         | <b>November 4, 2005</b>    | Reg. No. | <b>31,817</b> |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: This correspondence is being transmitted by telefax: U.S. Patent and Trademark Office 703-872-9306

|                       |                      |      |                         |
|-----------------------|----------------------|------|-------------------------|
| Signature             |                      |      |                         |
| Typed or printed name | <b>Venessa Urena</b> | Date | <b>November 7, 2005</b> |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of NETO

Application No. 10/162,321

Group Art Unit 3731

Filed: December 17, 2001

Examiner: Daniel J. Davis

For: Surgical screw for recomposition of human bone structures

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Applicant hereby submits the following statements of Applicant's counsel establishing unintentional delay in filing a Response and Amendment.

1. A Non-Final Office Action was mailed to Applicant's counsel on March 31, 2005.
2. The undersigned attorney did not receive the Non-Final Office Action. A search of the attorney's incoming mail and mail records, docketing system, open files, and other areas for the storage of papers and documents did not disclose that the Office Action was received by the attorney's Office.
3. The undersigned attorney believes it unlikely that the Office Action was not delivered to his office, but has no recollection or record of having received it. The first indication that an Office Action had been mailed came through a telephone call from the Examiner requesting to know whether Applicant intended to abandon the application.
4. The undersigned attorney notified the Examiner that he had been unaware that an Office Action had been mailed, and wished to review the Office Action and consult with his client before acknowledging an abandonment of this application.
5. After consulting with the Applicant, the undersigned attorney agreed to prepare a Response and Amendment, and to Petition the Office to reinstate this application.

6. The undersigned attorney's failure to respond within six months of the March 31, 2005 Office Action was unintentional.

Dated: November 4, 2005

  
Michael C. Cesarano  
Reg. No. 31,817